

### **REMARKS**

Reconsideration of this application is respectfully requested.

Claims 1-25 are originally filed claims currently pending in the application.

Claims 1-25 are rejected.

Claims 1-25 have been deleted without prejudice, and new claims 26-46 presented in their place. Support for the new claims can be found in numerous locations throughout the application, and the applicants assert that no new subject matter has been added.

The applicants have carefully studied the outstanding Office Action. The applicants assert that the proposed new claims more distinctly and clearly recite the features of the present invention. The present amendment is intended to be fully responsive to all points of rejection raised by the Examiner to the previously filed claims, and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

#### **Claim Rejections Under 35 U.S.C. § 102(b)**

Claims 1-14 and 16-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hein et al. (5,674,221; cited by Applicant). The deletion of these claims renders the examiner's rejection of these claims moot.

#### **Claim Rejections Under 35 U.S.C. § 103(a)**

Claims 15 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hein et al. (5,674,221; cited by Applicant) in view of Mittelstadt et al. (6,322,567; cited by Applicant). The deletion of these claims renders the examiner's rejection of these claims moot.

### New claims

The applicants have filed a new set of claims 26-46, which they submit are novel and unobvious over the prior art cited.

With regard to the Hein prior art cited by the examiner, the applicants submit that nowhere in Hein is there to be found or suggested a number of features of the new claims. Hein describes an external fixator for stabilization of a single bone fracture. The fixator is understood to be equivalent to the bridge of the present claimed system. The applicants submit that nowhere in Hein is there to be found or suggested the mounting of a surgical robot on the fixator (bridge), as recited in new claim 26 of the present application, such that surgery could be performed on a bone using the robot. Furthermore, many of the features of the claims dependent on claim 26, cannot be found or suggested in Hein. The applicants also submit that nowhere in Hein is there to be found or suggested a bridge assembly comprising separate bridge sections as recited in new claim 34.

With regard to the combination of Hein with Mittelstadt, the applicants submit that such combination would not be obvious to a person having ordinary skill in the art.

Firstly, the robot described in Mittelstadt is a floor mounted, conventional robot, whose weight, which is presumed to be at least in the region of several tens of kilograms, makes it completely unfeasible for mounting on a bridge attached to the spine of a human. Secondly, Mittelstadt describes the use of a surgical robot in a **bone motion tracking system**, as stated by the examiner, and as indeed exemplified by the title of the Mittelstadt et al. patent. In the present claimed invention, such bone motion tracking is completely superfluous. In fact one of the basic aspects of the present claimed invention is that no such bone tracking is required, since the robot performing the surgery follows movements of the bone without the need for any tracking. Therefore the applicants submit that the Mittelstadt reference in effect teaches away from the present claimed invention, in that it provides a complex tracking system which would obviate the entire asserted novelty of the present claimed invention. If the Mittelstadt system were to be applied to the Hein fixator, it would not operate as intended by the present claimed invention.

The applicants therefore respectfully submit that it would be not obvious to a person of ordinary skill in the art to look to the bone tracking bone teachings of Mittelstadt, to apply to the fixator of Hein in order to render the new claims of the present application as obvious.

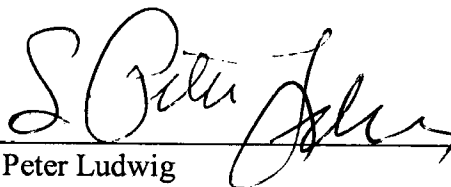
In view of the above arguments, the applicants earnestly request positive consideration and allowance of this application. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

A petition for a 2-month extension of time accompanies this Amendment. Please apply the fees for this extension and any other charges or credits to deposit account 06 1050.

Respectfully submitted,

Date: \_\_\_\_\_

6-4-10



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